

MEMO ENDORSED

DAMIAN WILLIAMS  
United States Attorney  
Southern District of New York  
By: JONATHAN M. KING  
Special Assistant United States Attorney  
c/o Office of Program Litigation, Office II  
Office of the General Counsel  
Social Security Administration  
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
CHESLEY D. TAYLOR, JR.,

Plaintiff,

v.

7:23-cv-04304-NSR-VR

KILOLO KIJAKAZI,  
Acting Commissioner of Social Security,

Defendant.

-----X

**NOTICE OF MOTION TO DISMISS OR IN THE ALTERNATIVE  
FOR SUMMARY JUDGMENT**

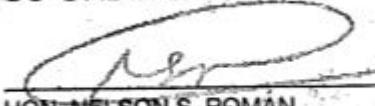
PLEASE TAKE NOTICE, that upon the September 29, 2023 Declaration of Lesha Cowell and the exhibits attached thereto, the Defendant's Statement Pursuant to Local Rule 56.1, the Memorandum of Law in Support of Defendant's Motion to Dismiss or in the Alternative for Summary Judgment, the Local Rule 12.1 Notice to *Pro Se* Litigants, and the Local Rule 56.2 Notice to *Pro Se* Litigants, the defendant, by her attorney, Damian Williams, United States Attorney for the Southern District of New York, will move this Court before the Honorable Victoria Reznik, United States Magistrate Judge, at the United States Courthouse, 300 Quarropas Street, White Plains, New York 10601, for an order dismissing the Complaint pursuant to Rule

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #: \_\_\_\_\_  
DATE FILED: 10/17/2023

**In light of the Gov't's Motion to Change Venue located at ECF No. 15, the Gov't's Motion to Dismiss is DENIED without prejudice to renew following the resolution of the Motion to Change Venue. The Clerk of Court is respectfully directed to terminate the motion at ECF No. 18.**  
Dated: October 17, 2023

White Plains, NY

**SO ORDERED:**

  
HON. NELSON S. ROMAN  
UNITED STATES DISTRICT JUDGE

12(b)(6), or in the alternative Rule 56, of the Federal Rules of Civil Procedure on the ground that Plaintiff did not exhaust his administrative remedies.

DATED: New York, New York  
October 16, 2023

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Southern District of New York  
Attorney for Defendant

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